

REMARKS

I. Introduction

This paper addresses the Office Action of January 23, 2007, in connection with the above-captioned application. Claims 1-17 stand rejected. The abstract has been amended. Claim 2 was cancelled. Claims 1, 4, 5, 10,12 and 14 have been amended. The amended abstract and claims are supported by the original disclosure. No new matter has been added. Claims 1, 3-17 are presently pending.

Reconsideration of the application is respectfully requested in light of the amendments and the following remarks.

II. Rejection of Claim 5 under 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 5 was amended to correct a typographical error. While the rejection is not necessarily agreed with, it is respectfully submitted that the informality issue identified in the Office Action for claim 5 should be mooted by its amendment.

III. Rejection of Claims 1 and 2 under 35 U.S.C. § 102(b) over Schulz

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent Number 3,159,994 ("Schulz"). While the rejection of claim 2 is not necessarily agreed with, claim 2 was cancelled, mooted the rejection of claim 2. Claim 1 was amended, to recite in part:

... a latch operably connected to the handle via the cam shaft and cam follower, configured so that force applied to the handle may be transferred via the cam shaft and cam follower to lift the latch.

It is respectfully submitted that Schulz does not anticipate the claim as amended for at least the following reasons.

In order for anticipation to be present under § 102, one reference must teach each and every aspect of the claimed invention. M.P.E.P. § 706.02. Applicants respectfully submit that Schulz does not teach each and every aspect of amended claim 1, in particular the claimed latch recited above. Schulz generally describes a door latch and lock commonly used with screen and storm doors. Schulz at 1:8-10. Schulz describes a latch "comprising a bolt mounted in the interior handle and engaged with a strike on the door frame to be released

by oscillation of the handle.” Schulz at 19-21. In Schulz, “[l]ocking is achieved by a slide within the housing frame on which the interior handle is mounted and which, when engaged with the handle or its spindle, prevents rotation thereof in a direction to release its bolt from engagement with the strike.” Schulz at 21-25. Schulz’s side to side sliding motion which engages a strike plate is entirely different than the lifting motion generally recited in amended claim 1. Thus, Schulz neither teaches nor suggests a door handle assembly which includes a latch operably connected to the handle via the cam shaft and cam follower, and configured so that force applied to the handle may be transferred via the cam shaft and cam follower to lift the latch. Since Schulz does not teach or suggest the cited claim limitation, Applicants respectfully assert that Schulz does not anticipate claim 1 and respectfully requests that the rejection be withdrawn.

IV. Rejection of Claims 1-3 under 35 U.S.C. § 102(b) over Nigro, Jr. et al.

Claims 1-3 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Number 5,658,026 (“Nigro”). While the rejection is not necessarily agreed with, claim 2 was cancelled, mooted the rejection. It is respectfully submitted that Nigro does not anticipate the amended claim 1 or claim 3 for at least the following reasons.

Nigro generally describes a door latch and lock. Nigro at 1:34-47. The mechanism in Nigro contains “a door handle assembly...including a door handle on a rotatable handle shaft; a housing having a face with a bore for receiving the handle shaft and having means for mounting the door handle assembly to a door; means, mounted in the housing, for operating a door latch in response to rotation of the door handle; means for returning the handle to a parked position upon release of the handle from rotating force; and means for releasably locking the door handle assembly to prevent operation of the door latch.” *Id.*

In order for anticipation to be present under § 102, one reference must teach each and every aspect of the claimed invention. M.P.E.P. § 706.02. Applicants respectfully submit that Nigro does not teach each and every element of Applicant’s amended claim 1.

As amended, claim 1 recites “... a latch operably connected to the handle via the cam shaft and cam follower, configured so that force applied to the handle may be transferred via the cam shaft and cam follower to lift the latch.” Nigro does not teach or suggest a latch which is configured to be lifted as recited in claim 1. Since Nigro does not teach or suggest

the cited claim limitation, Applicants respectfully assert that Nigro does not anticipate claim 1 and respectfully requests that the rejection be withdrawn.

Claim 3 depends directly from claim 1, and, thus should be patentable for at least the same reasons as claim 1.

V. Rejection of Claim 3 under 35 U.S.C. § 103(a) over Schulz in view of Hemping

Claim 3 was rejected under 35 U.S.C. § 103(a) over Schulz in view of U.S. Application No. 2004/0169379 (“Hemping”). It is respectfully submitted that Schulz in view of Hemping does not render unpatentable the present claim for the following reasons.

As an initial matter, claim 3 depends from claim 1, and therefore should be allowable for at least the same reasons as those given previously for claim 1.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate these criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combining reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claim 3, which depends from claim 1, adds the further feature of “a retaining device configured to retain the handle in one of an open position and a closed position.” This feature of Applicant’s claimed invention is neither taught nor suggested by the cited references. The Office Action itself notes that “Schulz does not teach a retaining device configured to retain the handle in one of an open position and a closed position.” The Office Action cites Hemping (Fig. 15, Ref.152; page 5, par. 63) as allegedly teaching this claim element.

Hemping generally describes a door handle assembly having a lever handle. Hemping at par. 1. Hemping has a handle assembly which “includes a retaining mechanism and a latch bolt mechanism.” Hemping at par. 5. In Hemping, “the lever members 12, 14 can be rotated in the first direction (typically downward) to control the opening and closing of the door. The lever members 12, 14 may also be rotated in the second opposite direction (typically upward) to the retained position. In the retain positioned, the lever members are retained or held in a position (typically a vertical position) away from the adjacent area of the door to provide access to the adjacent area even when the handles are released.” Hemping at

par. 63. “The retaining device in Hemping permit[s] a user to work hands-free of the lever members when maintaining the aesthetics of the adjacent area of the door panel, or when removing or installing storm windows or screens in the door panel.” *Id.*

The retaining mechanism in Hemping does not maintain the lever member in an open or closed position. Rather, it merely maintains the lever members away from the adjacent area so that the area near the latch may be accessed, for example for cleaning. The position in which the lever is held is out of the plane of normal motion of the handle – Hemping is silent as to holding the lever in either a closed or open position. Therefore, Hemping does not teach “a retaining device configured to retain the handle in one of an open position and a closed position” as recited in Applicant’s claim 3. Because neither Schulz nor Hemping teach this feature, their combination, as proposed in the Office Action, also does not teach the limitation. Accordingly, it is respectfully submitted that the proposed combination does not render Applicant’s claim 3 obvious, and withdrawal of the rejection is respectfully requested.

V. Rejection of Claim 4 under 35 U.S.C. § 103(a) over Nigro, Jr. et al. in view of Smolarski

Claim 4 was rejected under 35 U.S.C. § 103(a) over Nigro in view of U.S. Patent No. 6,062,616 (“Smolarski”). It is respectfully submitted that Nigro in view of Smolarski does not render unpatentable the present claim for the following reasons.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate these criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combining reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As amended, claim 4 recites

4. A door handle assembly, comprising:

a support plate having a front side and a back side, wherein an aperture is disposed in the support plate;

a handle pivotably arranged on the front side of the support plate; and

a roller bearing arrangement depending from the handle, configured to transfer force from the handle to a latch in order to lift the latch.

The recited assembly is neither taught nor suggested by the cited references, alone or in combination. The Office Action itself notes that “Nigro et al. do not teach a roller bearing arrangement depending from the handle, configured to transfer force from the handle to a latch in order to move the latch.” The Office Action cites Smolarski (Figs. 1-3; 2:1-7) as allegedly teaching this claim element.

Smolarski generally describes a door handle assembly which is axially rotatable. Smolarski at abstract. In Smolarski, “the face plate 11 in turn support[s] a handle 12 that extends through the face plate 11 and the door to engage a locking and latching mechanism (not shown) via a spindle 13 which is driven by the handle 12. The handle 12 is secured to the face plate 11 to be pivotable relative to the face plate to drive the lock or latching mechanism.” Smolarski at 2:2-2:7. Further, “The shank 17 is provided with an internal bore 28 of square cross-section which is adapted to slidably support a squared spindle 13 that extends through the door and a suitable locking or latching mechanism, not shown, to engage a similar handle and face plate assembly on the other side of the door. The handle 12 is arranged to pivot relative to the face plate 11 about a spring 41...” Smolarski at 2:26-32. A locking and latching system is not described in Smolarski, and Smolarski merely incorporates that of the prior art, i.e. “rotation of the lever rotates the shaft to operate the lock/latch.” Smolarski at 1:14-15.

Thus, neither Nigro nor Smolarski teach or suggest the recited roller bearing arrangement configured to transfer force from the handle to a latch in order to lift the latch. Since this feature is neither taught nor suggested by either reference, their proposed combination cannot render Applicant’s claim 4 obvious. Accordingly, withdrawal of the rejection is respectfully requested.

VI. Rejection of Claims 5-9 and 14-17 under 35 U.S.C. § 103(a) over Greenwood in view of Nigro, Jr. et al.

Claims 5-9 and 14-17 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,813,675 (“Greenwood”) in view of Nigro. It is respectfully submitted that Greenwood in view of Nigro does not render unpatentable the present claims for the following reasons.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate these criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combining reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As amended, claim 5 recites:

5. A gaming terminal, comprising:

a housing;

a door movably attached to the housing, wherein the door is secured by a latch disposed in the housing; and

a door handle assembly attached to one of the door and the housing, the door handle assembly including

a support plate having a front side and a back side, wherein an aperture is disposed in the support plate,

a handle pivotably arranged on the front side of the support plate, wherein a cam shaft configured to be arranged in the aperture depends from the handle,

a cam follower disposed on the back side of the support plate, coupled to the cam shaft; and

a latch operably connected to the handle via the cam shaft and cam follower, configured so that force applied to the handle may be transferred via the cam shaft and cam follower to lift the latch.

Amended claim 14 recites a means that is configured to lift a latch.

All the elements of amended claims 5 and 14 are neither taught nor suggested by the cited references, alone or in combination. The Office Action itself notes that “Greenwood teaches a gaming terminal comprising a housing...and a door movable attached to the housing...However, Greenwood does not teach that the door is secured by a latch disposed in the housing and that a door handle assembly is attached to one of the door and the housing.” The Office Action cites Nigro as allegedly teaching this claim element.

As discussed above with respect to claims 1-3, Nigro does not teach a latch which is configured to be lifted. Further, there is nothing in Greenwood and/or Nigro to suggest

modifying Greenwood to teach a latch operating in this manner. Since neither reference teaches this feature, their proposed combination does not render Applicant's claims 5 and 14 obvious. Applicant respectfully submits that the Office Action has not made out a proper *prima facie* case of obviousness, and should withdraw the rejection.

Claims 6-9 depend directly from claim 5, and, thus should be patentable for at least the same reasons as claim 5. Claims 15-17 depend directly from claim 14, and, thus should be patentable for at least the same reasons as claim 14.

VII. Rejection of Claims 10-12 and 13 under 35 U.S.C. § 103(a) over Greenwood in view of Nigro and Smolarski

Claims 10-12 and 13 were rejected under 35 U.S.C. § 103(a) over Greenwood in view of Nigro and Smolarski. It is respectfully submitted that Greenwood in view of Nigro and Smolarski does not render unpatentable the present claim for the following reasons.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate these criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combining reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As amended, claim 10 recites

10. A gaming terminal, comprising:

a housing;

a door movably attached to the housing; and

a door handle assembly attached to one of the door and the housing,
the door handle assembly including

a support plate having a front side and a back side, wherein an
aperture is disposed in the support plate,

a handle pivotably arranged on the front side of the support
plate, and

a roller bearing arrangement depending from the handle, configured to transfer force from the handle to a door latch in the gaming terminal, to lift the door latch.

The Office Action itself notes that “Greenwood does not teach a door handle assembly attached to one of the door and the housing, the door handle assembly including a support plate, a handle, and a roller bearing arrangement configured to transfer force from the handle to a door latch in the gaming terminal to one of open and close the latch.” The Office Action cites Nigro as modified by Smolarski as allegedly teaching this claim element. As discussed above with respect to claim 4, Nigro in view of Smolarski does not teach lifting a latch, i.e. “a roller bearing arrangement depending from the handle, configured to transfer force from the handle to a door latch in the gaming terminal, to lift the door latch.” Because neither Greenwood nor Nigro nor Smolarski teach these features, their combination, as proposed in the Office Action, also does not teach the limitation.

Further, there is nothing in Greenwood and/or Nigro and/or Smolarski to suggest modifying Greenwood to teach an “a roller bearing arrangement depending from the handle, configured to transfer force from the handle to a door latch in the gaming terminal, to lift the door latch.” Applicant respectfully submits that the Office Action has not made out a proper *prima facie* case of obviousness, and should withdraw the rejection.

Claims 11-13 depend directly from claim 10, and, thus should be patentable for at least the same reasons as claim 10.


IX. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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